

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JARRETT M. JAMES, : No. 3:15cv1931  
Petitioner :  
v. : (Judge Munley)  
: :  
WARDEN MAIORANA, : (Magistrate Judge Carlson)  
Respondent :  
=====

**ORDER**

**AND NOW**, to wit, this 19<sup>th</sup> day of November 2015, it is hereby  
**ORDERED** as follows:

- 1) Petitioner's objection (Doc. 4) to the report and recommendation are **DENIED**;
- 2) Magistrate Judge Martin C. Carlson's report and recommendation (Doc. 3) is **ADOPTED** to the extent that it recommends dismissal of the instant petition;
- 3) The instant case is **DISMISSED** without prejudice to the petitioner pursuing his claim with a motion filed in the appropriate district court;
- 4) Based upon the reasoning set forth in the accompanying memorandum, we decline to issue a certificate of appealability; and
- 5) The Clerk of Court is directed to close this case.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**